

**Notice of Allowability**

Application No.

10/824,802

Applicant(s)

SIMPSON ET AL.

Examiner

Susan C. Alimenti

Art Unit

3644

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communications on 9/25/06.
2. ☒ The allowed claim(s) is/are 1,2,8-14,17-20,22 and 23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Vic Lin on 9/25/06.

2. The application has been amended as follows:

**Claims 3, 6, 7, 15, 16, 21 and 25 have been canceled.**

1. **(Currently amended)** A rodent terminating device, comprising:  
a base having a first end, a second end, a first side, a second side, a length and a top base surface;  
a snap bar pivotably coupled to the base, the snap bar being configured to rotate between a first default position adjacent to the first end of the base and a second loaded position adjacent to the second end of the base, the snap bar being biased by at least one spring toward the first position, the snap bar having at least one axial section and one transverse section, the at least one spring defining a longitudinal axis, the at least one spring being positioned adjacent to the first side or the second side of the base so as to leave a central gap; and  
a trigger configured to engage the snap bar in the second loaded position, the trigger including a ~~substantially~~ straight horizontal trigger portion and an integral vertical trigger portion

Art Unit: 3644

extending upwardly from and substantially perpendicularly to the horizontal trigger portion, the vertical trigger portion comprising a catch disposed adjacent to the second end of the base and adapted to directly and releasably engage the transverse section of the snap bar, the substantially straight horizontal trigger portion extending substantially along the length of the base through the central gap and beneath the longitudinal axis of the at least one spring, the trigger comprising a bend between the vertical trigger portion and the horizontal trigger portion, the trigger defining a hole adjacent to the bend; and

an anchor extending through the bend and pivotably coupling the trigger to the base at the bend,

wherein the trigger comprises a pivot point above the top base surface, and

wherein the trigger is configured to pivot above the top base surface between an engaged position, where the catch is engaged with the snap bar in the second loaded position, and a disengaged position where the catch is disengaged from the snap bar..

12. **(Currently Amended)** The device of Claim <sup>8</sup>[[7]], wherein the horizontal trigger portion comprises a stem extending between the platform and the vertical trigger portion, ~~the stem including a bend such that the platform is disposed further upwardly away from the base.~~

14. **(Currently amended)** A rodent terminating device, comprising:

a base having a first base end, a second base end, a first side, a second side, a length and a top base surface;

a snap bar rotatable between a first rest position adjacent to the first base end and a second loaded position adjacent to the second base end, the snap bar being rotatably coupled to the base and biased toward the first rest position by at least one spring, the at least one spring

Art Unit: 3644

defining a longitudinal axis, the at least one spring being positioned adjacent to the first side or the second side of the base so as to leave a central gap;

a trigger pivotably coupled to the base, the trigger comprising a ~~substantially straight~~ horizontal trigger portion having a horizontal platform and an integral vertical trigger portion substantially perpendicular to, and depending upwardly from, the horizontal trigger portion, the vertical trigger portion comprising a catch disposed adjacent to the second end of the base and configured to directly and releasably engage the snap bar in the second loaded position, the trigger comprising a pivot point above the top base surface and a bend between the vertical trigger portion and the horizontal trigger portion, the trigger defining a hole adjacent to the bend; and

an anchor extending through the bend and pivotably coupling the trigger to the base at the bend,

wherein the horizontal platform is suspended above the base when the catch is engaged with the snap bar in the second loaded position and

wherein the straight horizontal trigger portion extends substantially along the length of the base through the central gap and beneath the longitudinal axis of the spring.

**20. (Currently amended)** A rodent terminating device, comprising:

a base having a first end, a second end, a first side, a second side, a length and a top base surface;

a snap bar rotatably coupled to the base, the snap bar being rotatable between a rest position and a loaded position, the snap bar defining a snap zone when disposed in the rest

Art Unit: 3644

position and defining a pivot line, the snap bar being biased to the rest position by at least one spring defining a longitudinal axis, the at least one spring being disposed adjacent to the first side or the second side of the base so as to leave a central gap; and

a one-piece trigger having a ~~substantially~~ straight horizontal trigger portion and an integral vertical trigger portion extending upwardly from and substantially perpendicularly to the horizontal trigger portion, the horizontal trigger portion including a horizontal platform disposed in the snap zone, the ~~substantially~~ straight horizontal portion extending substantially along the length of the base through the central gap and beneath the longitudinal axis of the spring, the vertical trigger portion including a catch disposed outside of the snap zone and adjacent to the second end of the base so as to directly and releasably engage the snap bar in the loaded position, the trigger comprising a bend between the vertical trigger portion and the horizontal trigger portion, the trigger defining a hole adjacent to the bend; and

an anchor extending through the bend and pivotably coupling the trigger to the base at the bend.

wherein the trigger comprises a pivot point above the top base surface, and

wherein movement of the ~~substantially~~ straight horizontal trigger portion at the first end of the base directly and immediately causes movement of the catch releasably engaged with the snap bar in the loaded position.

**23. (Currently amended)** A rodent terminating device, comprising:

a base having a first end, a second end, a first side, a second side, a length and a top surface;

a snap bar rotatably coupled to the base along a pivot dividing line which divides the top

Art Unit: 3644

surface of the base into a first operative half and a second non-operative half, the snap bar being biased to rotate toward the first operative half by at least one spring defining a longitudinal axis, the at least one spring being disposed adjacent to the first side or the second side of the base to as to leave a central gap;

a one-piece trigger pivotably coupled to the base at a single point of contact above the top surface of the base, the one-piece trigger comprising a ~~substantially~~-straight horizontal trigger portion and an integral vertical trigger portion that extends upwardly from and substantially perpendicularly to the horizontal trigger portion, the horizontal trigger portion comprising an integral platform at a distal end opposite to the vertical trigger portion, the ~~substantially~~-straight horizontal trigger portion extending substantially along the length of the base through the central gap and beneath the longitudinal axis of the at least one spring, the vertical trigger portion comprising a catch disposed adjacent to the second end of the base and configured to directly engage the snap bar at a position above the base, the trigger comprising a bend between the vertical trigger portion and the horizontal trigger portion, the trigger defining a hole adjacent to the bend, and

an anchor extending through the bend and pivotably coupling the trigger to the base at the bend.

Art Unit: 3644

3. The following is an examiner's statement of reasons for allowance: The prior art made of record fails to show a rodent terminating device comprising a snap bar pivotally coupled to rotate about a base from a spring loaded position to an unloaded position, and a trigger bar having a straight horizontal portion and a vertical portion, and a bend between the vertical and horizontal portions, and aperture near the bend and an anchor extending through the bend for pivoting the trigger, where the vertical portion of the trigger is configured to engage the snap bar in the loaded and where a spring for loading the snap bar defines a longitudinal axis and the straight horizontal trigger portion passes beneath the horizontal axis and through a gap that is disposed next to said spring.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan C. Alimenti whose telephone number is 571-272-6897. The examiner can normally be reached on Monday-Friday, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 571-272-7045. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3644

5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Susan C. Alimenti



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